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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 COREY WILLIAMS,

12 Plaintiff,

13 v.

14 PRICE, *et al.*,

15 Defendants.

Case No. 1:20-cv-00312-BAM (PC)

ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS WITHOUT
PREJUDICE

(ECF No. 2.)

ORDER TO SUBMIT **NON-PRISONER**
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS CLARIFYING ASSETS OR PAY
FILING FEE

THIRTY (30) DAY DEADLINE

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19 Plaintiff Corey Williams ("Plaintiff") is a civil detainee appearing *pro se* in this civil
20 rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare
21 and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning
22 of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 2000).

23 On March 2, 2020, Plaintiff filed a motion to proceed *in forma pauperis*. (ECF No. 2.) In
24 his application, Plaintiff reported that he receives \$300.00 per month in gross pay and \$200.00
25 per month in take-home pay. (Id. at 1.) In addition, Plaintiff reports that he makes \$50.00
26 monthly payments to Capital One Bank and Credit One Bank. (Id. at 2.) It is unclear whether
27 these payments are included in his take-home pay calculation.

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1 Despite his reported income of \$200.00 per month, Plaintiff reports that he has no money
2 in cash or in a checking or savings account. Plaintiff has not attached a copy of his certified trust
3 account statement, so it is also unclear whether Plaintiff is considering his trust account as a
4 checking or savings account, and whether he has any saved assets in his trust account.

5 As the evidence before the Court of Plaintiff's assets is inconclusive, the Court will
6 provide Plaintiff with an opportunity to clarify his financial condition and adequately demonstrate
7 financial hardship. **If Plaintiff chooses to file a new application to proceed *in forma pauperis*,
8 he should include a copy of his trust account statement from his current institution.**

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion to proceed *in forma pauperis*, (ECF No. 2), is DENIED, without
11 prejudice;
- 12 2. The Clerk of the Court is directed to serve a **non-prisoner** application to proceed *in forma*
13 *pauperis* on Plaintiff;
- 14 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file the
15 attached application to proceed *in forma pauperis* for a non-prisoner, completed and
16 signed, or in the alternative, pay the \$400.00 filing fee for this action; and
- 17 4. **The failure to comply with this order will result in dismissal of this action without**
18 **prejudice.**

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20 IT IS SO ORDERED.

21 Dated: March 3, 2020

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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